



The New York Times
Company

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BROOKLYN OFFICE

April 22, 2019

VIA FEDERAL EXPRESS

The Honorable Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn New York 11201

Re: United States v. Leissner, 18-cr-439-MKB – Request for
Intervenor Status

Dear Judge Brodie:

I write to respectfully request that the Court formally grant The New York Times Company (“The Times”) intervenor status so that it can appeal the Court’s recent order denying The Times’s application to unseal portions of the transcript of Defendant Tim Leissner’s plea hearing.

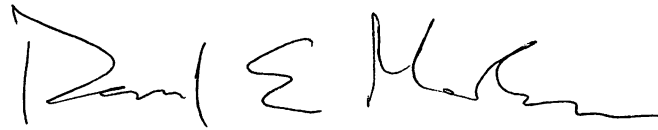
The Times has twice made applications to the Court in respect to the sealing. On November 5, 2018, it requested that the Court unseal the transcript. *See* Dkt. 24. The Court partially granted that application on November 8, 2018, and directed the Government to file a redacted version of the transcript. *See* Dkt. Entry for Nov. 8, 2018. Subsequently, in a letter dated February 22, 2019, The Times moved for the unsealing of the redactions in the transcript and the Court’s November 8 order. *See* Dkt. 36. The Court denied relief to The Times on April 4, 2019. *See* Dkt. Entry for Apr. 4, 2019.

While the Court has acted on our two applications, it has not granted us intervenor status. The granting of intervenor status to news organizations seeking to vindicate the public’s First Amendment and common-law right of access has routinely been granted in this Circuit. *See, e.g., ABC, Inc. v.*

Stewart, 360 F.3d 90, 97 (2d Cir. 2004); *United States v. Graham*, 257 F.3d 143, 145 (2d Cir. 2001). Designation as an intervenor will facilitate our appeal of the Court's more recent access order to the Second Circuit.

Thank you for considering this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David McCraw". The signature is fluid and cursive, with the first name "David" and last name "McCraw" clearly distinguishable.

David McCraw

cc: All counsel of record (via email)